

blowing air into it,

- (14  
cont.
- d) coating out the foam for the top layer onto a release paper, with subsequent drying,
  - e) optionally, coating out the foam for the interlayer onto the dried top layer, with subsequent drying,
  - f) coating out the inner layer on the top layer or interlayer, with subsequent drying,
  - g) applying the adhesive coating, with subsequent punching-out of the occlusive plasters,
  - h) optionally, applying an absorbent pad centrally to the inner layer, if optionally, sealingly enclosing the individual plasters.
- 

#### REMARKS

This application pertains to a novel light occlusive eye patch. .

Claims 1 and 3-13 are pending; claim 2 being canceled by this amendment. The limitations of claim 2 have been added to claim 1.

Claims 4 (Applicants believe the Examiner means 3), 6 and 10 stand rejected under 35 U.S.C.112, second paragraph.

Claim 3 has now been amended to more specifically recite that the contour is a black contour.

Claim 6 has now been amended to recite the further limitation that the polyurethane recited in claim 5 is a polyesterurethane.

Claim 10 has been rearranged to more clearly recite "a two dimensional textile structure" as an original presentation, thereby obviating the need for antecedent support.

The rejection of claims 4 (3?), 6 and 10 under 35 U.S.C. 112, second paragraph, should now be withdrawn.

Claim 1 has also been amended to combine the limitations of claim 2 with claim 1; thereby limiting the broad claim to a patch comprising two foam layers, and to recite that one side of the inner layer faces the top layer, and the other side of the inner layer has an adhesive on it. Support can be found in the general description of the invention, and especially in Fig. 1 and Example 1. Accordingly, no new matter is introduced.

In addition to the claim amendments, the title has been amended as suggested by the Examiner.

Claims 1-3, 11 and 12 stand rejected under 35 U.S.C. 102(b) as anticipated by WO 89/05649. The '649 reference concerns a patch that has only one foam layer, however. Moreover, a second layer of foam could not be added to the patch of the '649 reference without departing from the specific design concept of the patch, and destroying the inventive concept of the '649 reference.

Applicants' patch requires two layers of foam.

Applicants' patch is therefore neither anticipated nor suggested by WO 89/04649 and the rejection of claims 1-3, 11 and 12 under 35 U.S.C. 102(b) as anticipated by WO 89/05649 should now be withdrawn.

Claims 1, 5, 6, 10 and 12 stand rejected under 35 U.S.C. 102(b) as anticipated by US 3,908,645. This reference, like the previous one, discloses a patch having only one foam layer, and that one foam layer is integral to the inventive concept of this reference. Certainly, there is nothing in this reference that would suggest using two layers of foam, as Applicants have done. No advantage of doing so would be apparent from a reading of the '645 reference.

Accordingly, Applicants patch is neither anticipated nor suggested by US 3,908,645 and the rejection of claims 1, 5, 6, 10 and 12 under 35 U.S.C. 102(b) as anticipated by US 3,908,645 should now be withdrawn.

Claims 1, 5, 6, 8, 10 and 12 stand rejected under 35 U.S.C. 102(b) as anticipated by US 4,538,603. This reference, like the others, concerns only a single layer of foam; and the inventive concept is based on that single layer. There is nothing in the reference to suggest using two layers of foam and, indeed, any attempt to use two layers would depart from the inventive concept of this reference. Moreover, there is nothing in the reference that would suggest a two-foam-layer patch.

The rejection of claims 1, 5, 6, 8, 10 and 12 under 35 U.S.C. 102(b) as anticipated by US 4,538,603 should accordingly be withdrawn.

Claims 1-13 stand rejected under 35 U.S.C. 103(a) as obvious over WO '649, US '645, US '603, or US 5,844,013, each by itself or in combination.

Like the other references cited, the '013 reference is based on a single layer of foam, in this case a gel foam, and is not amenable to a second layer. Moreover, there is nothing in any of the references, whether taken individually or in combination, that would suggest a patch comprising a top layer and a inner layer of foam, wherein the inner layer has a coating of a skin compatible self-adhesive.

Applicants' claims cannot therefore fairly be seen as suggested by any of the cited references, individually or in combination, and the rejection of claims 1-13 under 35 U.S.C. 103(a) as obvious over WO '649, US '645, US '603, or US 5,844,013, each by itself or in combination should now be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1 and 3-13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit

Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account  
No. 14-1263.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS, P.A.



William C. Gerstenzang  
Reg. No. 27,552

220 East 42nd Street, 30th Floor  
New York, New York 10017  
(212) 808-0700

I hereby certify that this correspondence is being deposited with  
the United States Postal Services as first class mail in an  
envelope addressed to: Assistant Commissioner For Patents,  
Washington, D.C. 20231 on October 31, 2001.

NORRIS, McLAUGHLIN & MARCUS, P.A.



Date 10/31/01

**MARKED-UP COPIES OF AMENDED CLAIMS, SHOWING CHANGES RELATIVE TO PREVIOUS VERSION(S).**

Claim 1 (twice amended). A light occlusive eye patch having an upper side and a lower side, [comprised of at least one] comprising at least two layers of foamed material, said at least two layers being a top layer and an inner layer; one side of said inner layer facing said top layer, and the other side of said inner layer being provided with a skin-compatible self-adhesive coating [layer of a foamed material and which is provided on the lower side with a skin-compatible self-adhesive layer].

Claim 2. Please cancel

Claim 3 (twice amended). The light occlusive eye patch of Claim 1, wherein [an internal] a black contour is printed [in black] on[ the upper side] said top layer.

Claim 4 (twice amended). The light occlusive eye patch of Claim 1, [wherein] further comprising a black-colored interlayer [made] of a foamed material [is present] between [the] said top layer and [the] said inner layer[ over the entire area].

Claim 5 (twice amended). The light occlusive eye patch of Claim 1, wherein said foamed materials are selected from the group consisting of polyurethane, polypropylene, polyethylene, [or] and polyvinylchloride foams [are employed as the foamed material].

Claim 6 (twice amended). The light occlusive eye patch of Claim 5, wherein said polyurethane is a polyesterurethane [is employed as polyurethane foam].

Claim 10 (twice amended). The light occlusive eye patch of Claim 1, wherein:

- a) a layer of unfoamed polyurethane is applied to the top layer, or
- b) a two-dimensional textile structure, selected from the group consisting of nonwovens, knits and wovens is embedded in the top layer.

Claim 13 (twice amended). Process for producing the light occlusive eye patch of Claim 1 [consisting of] comprising the following process steps:

- a) preparing the top layer, the inner layer and, optionally, an interlayer in each case by introducing a mixture of aqueous aliphatic dispersions of polyesterurethanes,
- b) adding a foaming agent and a dye to the respective mixture,
- c) foaming the respective mixture to the desired degree of foaming by blowing air into it,

- d) coating out the foam for the top layer onto a release paper, with subsequent drying,
- e) optionally, coating out the foam for the interlayer onto the dried top layer, with subsequent drying,
- f) coating out the inner layer on the top layer or interlayer, with subsequent drying,
- g) applying the adhesive coating, with subsequent punching-out of the occlusive plasters,
- h) optionally, applying an absorbent pad centrally to the inner layer, if optionally, sealingly enclosing the individual plasters.